

# Bob Kustka

Factoring Human Capital Into Your Business Plan

**AP Wire**

**February 07, 2007**

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## **Column: Bosses need office-dating rules**

NEW YORK - Most small business owners have to deal at some time or another with employees who date, perhaps fall in love and probably break up. It's pretty hard to prohibit workers from becoming romantically involved, but owners can take steps to ensure that a relationship doesn't get in the way of getting the job done.

Problems can arise no matter how the relationship turns out or even if the relationship never gets off the ground. So human resources consultants say all companies should have a policy on dating and relationships among co-workers, and to be sure that employees are aware of it.

There are two very critical reasons for formulating such a policy. Relationships can affect productivity, and not just that of the dating co-workers. Even more serious is the fact that workplace affairs of the heart have the potential of turning into sexual harassment suits against an employer.

But many HR experts say that realistically, such policies can't outright ban dating.

"People will become romantically involved even if there's a policy," said Linda Gravett, an HR consultant based in Cincinnati.

Arlene Vernon, president of HRx Inc., an Eden Prairie, Minn.-based HR consultancy, noted, "Where do people meet other people? If they're not hanging out in bars, they're meeting at work."

What a business owner can do is, via its policy on dating, let employees know that there are standards of behavior they must adhere to, and that there can be career repercussions when they start a relationship. For example, if two employees in the same department are dating, one might need to be transferred to another department. Or one of the employees might need to leave the company.

Vernon said of a dating policy, "it really is setting the rules of conduct, letting people know what's acceptable in the workplace and isn't."

Vernon noted that when co-workers are involved, "everyone is sensitive to the relationship." If a couple is going through a rough patch, other employees can sense the tension - which becomes contagious and makes it painful for everyone else. But even when all is going well, the rest of the workplace can feel uneasy if the couple indulges in goo-goo eyes and other public displays of affection.

"It can create a hostile environment. ... People feel harassed because they're watching the affective behavior and it makes them uncomfortable," Vernon said.

The words "hostile environment" are key - in sexual harassment lawsuits, employees often charge an employer with maintaining a hostile environment in the workplace. And yes, another co-worker could file a complaint because an employer didn't stop inappropriate behavior by a couple.

Harassment charges obviously can have other causes, such as one worker pursuing another even though the advances are clearly rejected and not welcome.

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Bob Kustka, president of a workplace productivity consultancy, recommends business owners be proactive to head off such problems, and remind romantically linked workers about the rules.

“I would talk to the employees about what is a professional atmosphere - having a relationship is fine, but you need to keep it out of the workplace,” said Kustka, whose company, Fusion Factor, is based in Boston.

A policy absolutely must address the issue of dating between a supervisor and a subordinate, which can lead to problems throughout an office or company. First, there is the possibility of a sexual harassment claim if one party believes he or she was pressured into the relationship, or to stay in it.

And it's well-known that such relationships breed resentment among other co-workers. Gravett noted that other employees will be watching like hawks for any signs of favoritism, such as promotions or bigger bonuses.

“Even if that doesn't happen, others may see that person as getting a special perk,” she said. Such a situation could also lead to a harassment complaint.

Gravett said employees who are supervisors/supervisees need to understand that there will be consequences such as transfers or dismissals if they do become involved.

“If one of them doesn't decide to leave (the company) or stop the relationship, then we have to make the judgment call that one of them has to leave,” Gravett said.

When a couple breaks up, it can be painful and awkward for many people at work. But HR consultants say the owner doesn't need to get involved as long as there aren't any problems growing out of the hard feelings - as long as everyone acts maturely and any animosity or bitterness is kept outside the workplace.

A more difficult situation is where one party keeps pursuing the other outside of the workplace. Kustka said that if one of the workers comes to the owner or a manager for help, then the company does have to intervene.

“If that type of thing is going on, it's probably impacting on the workplace,” he said, warning that this could also be grounds for a harassment complaint that “management knew about the person and should have and didn't help me with it.”

Some employers do decide to keep the former lovers apart. At Upper Playground, a San Francisco-based apparel and art company, many of the employees are quite young and they do tend to date one another.

Owner Matt Revelli said that “when things have gone south, we've actually moved people to different areas so they don't have to be around each other.”